

Amendments to House Bill No. 106
1st Reading Copy

Requested by Representative Pat Connell

For the House Natural Resources Committee

Prepared by Joe Kolman
January 25, 2013 (9:05am)

1. Page 10, line 1.

Following: "preliminarily"

Insert: "determined to be"

2. Page 10, line 3.

Following: "preliminarily"

Insert: "determined to be"

- END -

3. Page 15, line 1.

Following: "petition"

Insert: "if the department finds, on the basis of information reasonably available to it, that the petition as proposed in the application will not adversely affect the rights of other appropriators"

4. Page 15, line 6.

Following: "petition does"

Insert: "not"

5. Page 17, line 20.

Following: "effect."

Insert: "A determination of whether or not there is an adverse effect on a prior appropriator as the result of a new appropriation right is a determination that must be made by the department based on the rate, location, and timing of the net depletion that causes the adverse effect relative to the historic beneficial use of the appropriation right that may be adversely affected."

6. Page 17, line 27 through line 29.

Strike: "If the department" on line 27 through "that the potential" on line 29

Insert: "The department may grant a permit for a new appropriation only if the applicant proves by a preponderance of the evidence that the"

7. Page 19, line 2.

Strike: "could"

Insert: "may"

8. Page P19, line 2 through line 3.

Strike: "and a potential" on line 2 through "appropriator" on line 3

Following: "depletion" on line 3

Insert: ", if any"

9. Page 20, line 22 through line 24.

Strike: "If the department" on line 22 through "is required." on line 24

Insert: "An applicant whose hydrogeologic report conducted pursuant to 85-2-361 predicts that there will be a net depletion of surface water shall submit an aquifer recharge or mitigation plan."